



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty Roberts, Gregory J., of Barrus & Roberts (for Petitioner Jesus Torres, Executor)

(1) First and Final Account of Executor and Petition for Its Settlement and for (2) Final Distribution

DOD: 10/25/2006		JESUS TORRES , son and Executor appointed with Full IAEA authority on 2/20/2007, is Petitioner. Account period: 10/25/2006 – 8/31/2012 Accounting - \$613,500.00 Beginning POH - \$613,500.00 Ending POH - \$ 1,000.00 Executor - waives Attorney - waives Petitioner states: <ul style="list-style-type: none"> The Internal Revenue Service filed a \$334,311.60 federal tax lien against Decedent which was recorded on 6/28/2010; <i>Withdrawal of Notice of Federal Tax Lien</i> applied for by Petitioner's counsel was approved and sent by IRS for recording in May 2012; as indicated by the IRS, the withdrawal of notice does not affect the lien, and the full amount of taxes is owed by the estate (<i>letter attached as Exhibit A</i>); The California Franchise Tax Board (FTB) filed a \$87,557.83 tax lien against the estate which was recorded 4/12/2010; the \$40,000.00 net proceeds (representing a loss on sale of \$372,500.00) of the estate real property parcels that were sold and confirmed per the <i>Order Confirming Sale of Real Property</i> signed on 7/8/2011 were paid to the FTB in partial payment of the tax lien filed prior to the IRS lien, reducing the FTB lien to \$47,557.83 (<i>statement attached as Exhibit B</i>); Creditor's Claims have been filed in the estate (Union Bank for \$25,148.66 on 7/23/2008; Cancer Care Assoc. for \$11,454.05 on 5/24/2007), and there are no assets in the estate with which to pay them; Real property inventoried with a value of \$200,000.00 was foreclosed upon, representing a loss of that amount; the vehicle inventoried at \$2,600.00 had been given away by Decedent prior to her death; and a joint tenancy account had been listed on the inventory in error, as it was a joint account and not part of the probate estate (<i>Corrected Inventory and Appraisal filed 9/28/2012</i>); ~Please see additional page~	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.W		
<input type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
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<input type="checkbox"/>	FTB Notc N/A		

Reviewed by: LEG

Reviewed on:
11/1/12

Updates:

Recommendation:

File 1 - Arteaga

Petitioner states, continued:

- Petitioner has assumed personal liability for the payment of accounting fees and closing expenses of administration, but not the payment of any income taxes due from the estate (see *Exhibit C*);
- Petitioner had initially been represented by Attorney Roger Krouskup at the inception of this case, and he has waived all attorney fees for services (see *Exhibit D*);
- The remaining assets of the estate as far as known to Petitioner consist of furniture, furnishings and personal effects of Decedent valued at **\$1,000.00** on the inventory, but which Petitioner believes to have only sentimental value and no monetary value;
- By the terms of Decedent's Will, the estate remaining for distribution, consisting of only personal furniture, furnishings and personal effects of no monetary value, should be distributed as residue of the estate to **JESUS TORRES** (Petitioner);
- All other assets designated to be distributed per Decedent's Will have been sold and proceeds paid to satisfy a portion of Decedent's income taxes owed to FTB;
- Because of unpaid tax liens and creditor's claims, any assets of the estate not now known or discovered will necessarily be subject to further administration in order to determine to whom such assets shall be distributed.

Petitioner prays for an order that:

1. The administration of the estate be brought to a close;
2. The First and Final Account of Petitioner as Executor be settled, allowed and approved, and all acts and proceedings of Petitioner as Executor be confirmed and approved; and
3. Distribution of the estate in Petitioner's hands and any other property of the Decedent or of the estate not now known or discovered be made to the persons entitled to it as set forth in the Petition.

(1) Final Account and Report of Conservator, (2) Petition for Allowance of Fees for Attorney and for (3) Termination of Conservatorship of the Estate

DOD: 11/27/11		THEA WILKINS , Conservator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
		Account period: 09/11/10 – 11/27/11		CONTINUED FROM 10/02/12	
		Accounting - \$39,863.08		Minute Order from 10/02/12 states: Counsel advises the Court that they are waiting on the statements from the care facility.	
		Beginning POH - \$4,254.38			
		Ending POH - \$1,483.36			
Cont. from 082112, 100212		Conservator - waives		Minute Order from 08/21/12 states: Counsel advises the Court that there is no balance in the account. The Court directs counsel to submit a declaration referencing the relevant document and the paragraph.	
<input type="checkbox"/>	Aff.Sub.Wit.			As of 11/01/12 no declaration has been filed.	
<input checked="" type="checkbox"/>	Verified			As of 11/01/12, no further documents have been filed and the following comments remain:	
<input type="checkbox"/>	Inventory			1. Pursuant to Probate Code § 2620(b) the final accounting following the death of a conservatee shall include an accounting for the period that ends on the date of death and a separate accounting for the period subsequent to the date of death. The petition states that a supplemental accounting for the period of 11/28/11 – 05/08/12 is included; however, the Petition does not include a supplement. Need accounting for the period subsequent to the conservatee's death.	
<input type="checkbox"/>	PTC			2. Petitioner requests to be released from her surety bond; however, the conservator may only be discharged and the bond released upon filing of an Ex Parte Petition for Final Discharge and Order. (The Examiner has interlineated the Order to reflect this).	
<input type="checkbox"/>	Not.Cred.	Attorney - \$1,250.00 (per Local Rule)		3. Need statements from the conservatee's care facility pursuant to Probate Code § 2620(c)(5)	
<input checked="" type="checkbox"/>	Notice of Hrg				
<input checked="" type="checkbox"/>	Aff.Mail	w/			
<input type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.				
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<input type="checkbox"/>	Letters				
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<input type="checkbox"/>	Aff. Posting			Reviewed by: JF	
<input type="checkbox"/>	Status Rpt			Reviewed on: 11/01/12	
<input type="checkbox"/>	UCCJEA			Updates:	
<input type="checkbox"/>	Citation			Recommendation:	
<input type="checkbox"/>	FTB Notice			File 2 - Hoehne	

Petition of Jesus Esther (Sylvia) Bise to Compel Accounting and Terminate Estate

DOD: 7-23-09		SYLVIA BISE, Surviving Spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
			Note: The Public Administrator was appointed Special Administrator on 10-16-09, and Administrator on 1-12-10.
			Note: Inventory and Appraisals have been filed as follows:
Aff.Sub.Wit.			<ul style="list-style-type: none"> • I&A Partial #1 filed 7-20-10 (\$1,314,558.44) • I&A Final filed 11-16-10 (\$860,591.12) • Supp I&A #1 filed 10-24-11 (\$78,855.93) • Supp I&A #2 filed 1-10-12 (\$19,410.88) • Supp I&A #3 filed 9-26-12 (\$118,575.76)
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			Examiner notes that there were Objections to the I&A Partial #1 filed 7-20-10 and the I&A Final filed 11-16-10, which Objections were dismissed based on the settlement agreement reached on 5-26-11. Examiner notes recent activity in the file including the filing of the Supp I&A #3 on 9-26-12 and an Allowance of Creditor's Claim filed by the Public Administrator on 10-11-12.
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCC/JEA			Reviewed by: skc Reviewed on: 11-1-12 Updates: Recommendation: File 3 - Bise
Citation			
FTB Notice			
		Petitioner states the Fresno County Public Administrator was appointed as the personal representative of the estate and Letters issued on 10-22-09. A dispute arose concerning, among other things, the manner in which the estate should be distributed. The parties reached a settlement agreement that provided that a significant portion of the estate be distributed to Petitioner and Petitioner's daughter, and that the Public Administrator would forthwith prepare the final accounting and petition for final distribution. The Court issued an order making preliminary distribution pursuant to the agreement on 4-25-11.	
		Petitioner states one of the assets was 100% of the issued and outstanding shares of Bise Outlet, Inc. Petitioner states the Public Administrator commingled the corporation's cash with that of the probate estate, running all such funds through the same accounts in the Public Administrator's office. Among the assets distributed to Petitioner were the shares in said corporation.	
		Petitioner states that prior to his passing, it was the decedent's practice that when sales were made to a customer on credit, a credit report would be run on the customer and the customer would execute a contract that complied with law concerning sales of consumer goods on credit and a sales ledger would be created wherein each payment and each contract with the customer would be recorded. Petitioner states that upon the Public Administrator's appointment and its assumption of management of Bise Outlet, Inc., sales continued to be made on credit, but no effort was made to determine the creditworthiness of customers and sales were not properly documented. Petitioner states the documentation practices ceased, and payments were deposited into <u>estate</u> accounts rather than the <u>corporation's</u> account, and the corporate records provide no way to determine how much any customer now owes on his/her account.	
		Petitioner further states that no effort was made to collect any account receivable existing as of the decedent's death.	
		SEE ADDITIONAL PAGE	

Petitioner states during the Public Administrator's management of the corporation, sales were made on credit to persons that failed to pay the corporation on prior accounts receivable, and that "sales" were made to Ruth Rios of thousands of dollars of furniture, ledgers indicating that she paid nothing down, the entire purchase financed, however, no finance agreements were executed, no payments were ever made, and Ruth Rios denies any obligation to pay the corporation for the furniture.

Petitioner states the Public Administrator purchased inventory for the corporation, but failed to maintain in corporate records the purchase orders and invoices describing the inventory purchased or the amounts paid therefore.

Because of the failure to properly document sales, payments, purchases and other financial transactions of the corporation, the corporation has not been able to determine which customers still owe money nor has it been able to pursue most customers because the sales were not properly documented and the accounts receivable were not timely pursued.

Petitioner states all accounting issues were reserved by the settlement agreement. Because of the fact that the Public Administrator comingled the cash and records of the corporation with those of the estate, the Settlement Agreement envisioned the accounting would include a report and account for the transactions of the corporation as well.

Petitioner states the estate should be terminated with reference to Probate Code § 12020(a). Petitioner states that more than one year ago, the Public Administrator agreed to prepare the accounting concerning the estate and the corporation and to petition this court for an order finally distributing the residue of the estate. Petitioner requests the Court order the Public Administrator to appear and show the condition of the estate and the reasons why the estate cannot be distributed and closed.

Petitioner requests that:

1. The Court order the Fresno County Public Administrator to prepare a First and Final Account and Report of Administrator;
2. The court order the Fresno County Public Administrator to include in its First and Final Account and Report of Administrator a full accounting of the financial activities and status of Bise Outlet, Inc., during the time said corporation was administered by the Public Administrator, which accounting will match all revenues to the customer who made payment;
3. The court order the Fresno County Public Administrator to produce all source documents on which its account is based;
4. The court specify in the order a reasonable time within which the account must be filed (Petitioner suggests 60 days from the date of the order);
5. The Fresno County Public Administrator be ordered to appear before the court and show the condition of the estate and the reasons why the estate cannot be distributed and closed; and
6. The court issue such other and further relief as it deems proper.

(1) Petition for Final Distribution on Waiver of Account and for (2) Allowance of Compensation for Ordinary and Extraordinary Services (Independent Administration)

DOD: 11-26-09		SUSAN TROTTER , Executor with full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need order.
		Accounting is waived.	
		I&A: \$98,363.32	
		POH: \$47,309.61 cash plus furniture and furnishings valued at \$400.00	
		Executor: Waived	
		Attorney (Statutory): \$4,424.90	
		Attorney (Extraordinary): \$697.50	
		for services in connection with proceedings initiated to compel Chase Bank to release the decedent's funds, including reviewing subpoenaed bank records, documents and pleadings, and consultation and correspondence with the Executor, County Counsel, Deputy Public Guardian (former conservator) and others. Itemization includes 3.10 hours @ \$225/hr.	
		Public Guardian (Former Conservator): \$754.56	
		(7.86 Deputy hours @ \$96/hr for services in connection with obtaining the IRA funds from Chase Bank)	
		County Counsel (Attorney for Public Guardian): \$1,650.00 (11 hours @ \$150/hr in connection with obtaining the IRA funds from Chase Bank)	
		Petitioner states preliminary distribution was made for the specific gifts in the Will in the amount of \$3,000.00 each to Richard J. Nunes, Sr., Kathleen Smith, and Ruth Stockdale, and receipts have been filed.	
		Distribution pursuant to Decedent's will:	
		Susan Trotter: \$39,782.65 cash	
			Reviewed by: skc
			Reviewed on: 11-1-12
			Updates: 11-2-12
			Recommendation:
			File 4 - Phelps

Atty Walters, Jennifer (for Jessica Navarro – mother/Petitioner)

Atty Rusca, Rose Marie (for Rene Alvarado – father/Objector)

Atty Hopper, Cindy (for Vanessa Alvarado and Paul Pinegar – paternal aunt & uncle/guardians)

Petition for Termination of Guardianship

Age: 2	JESSICA NAVARRO, mother, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: <u>Continued from 10/02/12</u> Minute Order dated 10/02/12 states: The petition having been granted when the matter was initially called, the Court now vacates its previous order in that the guardians are not present and are objecting to the petition. Matter is continued to 11/06/12. All visitation orders remain in full force and effect. As of 11/01/12 nothing further has been filed. Note: All relatives were served by mail on 05/07/12. 1. Need Order. Reviewed by: JF Reviewed on: 11/01/12 Updates: Recommendation: File 5 - Capra
	VANESSA ALVARADO and PAUL PINEGAR, paternal aunt and uncle, were appointed as Co-Guardians on 03/28/11.		
Cont. from 060512, 100212	Father: RENE ALVARADO		
Aff.Sub.Wit.	Paternal grandfather: RENE ALVARADO		
✓ Verified	Paternal grandmother: MARGARET GONZALES		
Inventory	Maternal grandfather: EDWARD NAVARRO		
PTC	Maternal grandmother: DANA ESTRADA		
Not.Cred.	Petitioner states that the guardianship is no longer necessary and it would be in "Bella's" best interest to be returned to her care full-time. Petitioner states that at the time the guardianship was established she was overwhelmed with the prospect of being a young mother with two small children (she also has a son who is now 6, that has remained in her care) and consented to the guardianship at that time. During the course of the guardianship, she has maintained significant contact with Bella, having visitation often. Petitioner now realizes that it is in Bella's best interest for the guardianship be terminated. Petitioner states that upon learning of her intention to terminate the guardianship, the guardians have not allowed her to visit as often.		
✓ Notice of Hrg	Court Investigator Charlotte Bien filed a report on 05/24/12.		
✓ Aff.Mail	w/		
Aff.Pub.	Father's objection to Termination of Guardianship filed 05/24/12 states that Bella has lived with his sister and her family since she was 4 weeks old and is bonded with them and that their home is the only home Bella knows. Mr. Alvarado further states that Bella is a happy, well-adjusted child and that while he too, would like to raise her 100% of the time, he and Petitioner couldn't care for her when she was born, and they have allowed her to bond with the guardians, and it would not be fair to Bella to drastically change her home. He states that this isn't about the Petitioner or him, but about Bella's best interest.		
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
Order	x		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Continued on Page 2

Opposition to Termination of Guardianship filed by Guardians, Paul Pinegar and Vanessa Alvarado on 05/31/12

states that Petitioner, Jessica Navarro "Jessica", Bella's mother, has been indecisive about caring for Bella her entire life. Jessica initially was going to place Bella up for adoption and Bella lived with adoptive parents for the first month of her life (and has the adoptive parents last name), on the 28th day, Jessica changed her mind and took back custody of Bella. Jessica immediately placed Bella in the Petitioners care and she has remained with them ever since. When Bella was placed in their care, she had nothing other than the clothes she was wearing, Petitioners immediately purchased everything needed to care for an infant and they have raised her as their own ever since. Bella is now almost 3 years old. Jessica has continued to display indecisiveness regarding parenting Bella, and has also had trouble parenting her son from another relationship; last year, she sent her son to stay with her mother for several months because she could not afford day care and was frustrated because he refused to be fully potty trained at 5 years old. Jessica told the Guardians at that time, that she was glad Bella did not live with her so she did not have two children to send away. Jessica's statement in her petition that she has remained a primary parental figure in Bella's life and that Bella would spend at least 3 nights a week with her (sometimes a week at a time) is untrue; the longest Bella has been in Jessica's care was for 4 days, on one occasion in February 2012, during which time, Jessica sent Vanessa text messages that Bella missed her and wanted to see a picture of her. The Guardians further state that Jessica has claimed that Bella lives with her so that she can have daycare paid for for her son through a program called Supportive Services. Since Jessica has her son on Supportive Services, she is also required to have Bella on Supportive Services or she would not qualify for the program as her income is too high for a family size of only two. Jessica kept asking guardians for Bella's immunization records so that she could provide them to Supportive Services, the guardians refused to provide the records and as a result, Jessica had a doctor re-immunize Bella so that she could get an immunization record as required to continue receiving assistance from Supportive Services. Further, Jessica did not tell the guardians that she had done this. The guardians called Supportive Services and told them that their services were no longer necessary because they were Bella's guardians and Jessica did not have custody of Bella. Jessica has stated to the guardians that if she does not have Bella in her care, she will not qualify for daycare for her son. Jessica has never wanted to take complete responsibility for Bella and has always expressed that she wants to see Bella when she wants to see her. She has never been consistent with her visits and this is why there is no set visitation schedule. Jessica can't have it both ways, she cannot be a parent when she wants to be and when times get tough give up and hand Bella off to someone else. Bella needs consistency in her life, consistency that the guardians can provide. The guardians do not believe that a termination of the guardianship is in Bella's best interest. They believe that Bella needs consistency and are requesting that Jessica have a set visitation schedule; however, if Jessica misses a visit then all contact is terminated between Jessica and Bella. The guardians request that the Court deny Jessica's Petition to terminate the guardianship.

(1) Petition for Substituted Judgment to Transfer Assets of the Conservatorship Estate to Irrevocable Trust, (2) First and Final Account and Report of Conservators of the Conservatorship Estate, (3) Petition for Approval and (4) Petition for Allowance of Attorney's Fees and Reimbursement of Costs, and for (5) Suspension of Further Accounting by the Conservatorship (Prob. C. 2580, 2620, 2640)

Age: 79		ROBB P. MYERS and LYNN MYERS, Co-Conservators of the Estate, are Petitioners.		NEEDS/PROBLEMS/COMMENTS:	
		Account period: 06/29/11 – 06/30/12		CONTINUED FROM 10/16/12	
		Accounting - \$47,428.12		Minute Order dated 10/16/12 states: Mr. Janisse informs the Court that they are not objecting to the conservatorship accounting. The Court approves the conservatorship accounting and directs Mr. Rindlisbacher to prepare the order. The remaining issues are reserved and continued to 11/06/12.	
Cont. from 101612		Beginning POH - \$46,811.88			
Aff.Sub.Wit.		Ending POH - \$47,428.12			
✓	Verified	Conservators - waive		As of 11/01/12 nothing further has been filed.	
✓	Inventory	Attorney - \$6,706.25		Notes: Inventory & Appraisal filed 09/07/12 lists assets of the Conservatorship Estate in the amount of \$46,811.88 comprised of a vehicle, tangible personal property items and an annuity.	
✓	PTC	(per itemization for 10.8 attorney hours @ \$275.00/hr. and 17.75 paralegal hours @ 85.00/hr. for work done in establishing the conservatorship, obtaining bond, completion of the I & A, and this Petition)		Petitioners have included a trust accounting as exhibit B to their Petition; however, the Trust accounting is not presently before the Court. Any petition requesting the settlement of a Trust accounting would need to be brought in a new case file for the Trust.	
	Not.Cred.	Attorney - \$800.00		1. Petitioners are requesting to transfer the assets of the Conservatorship Estate to the Conservatee's trust pursuant to Probate Code § 2580(b)(6) which allows "Transferring to a trust created by the conservator or conservatee any property unintentionally omitted from the trust." However, petitioners do not allege or make any statement that the conservatorship estate assets were <u>unintentionally omitted</u> . The Court may require further information.	
✓	Notice of Hrg	(anticipated additional fees not to exceed \$800.00 for services to be rendered after the date of this Petition through the hearing on this Account)		2. Petitioners request to dispense with the requirements of CRC 7.903; the court may require authority to dispense with such requirements.	
✓	Aff.Mail	Attorney costs - \$2,096.00 (For filing fees, investigation fees, bond fee, certified copies, probate referee. \$1,540.63 has already been paid, leaving a balance of \$555.37.)		3. Need Order.	
	Aff.Pub.	Petitioners state:		Reviewed by: JF	
	Sp.Ntc.	1. The main purpose of establishing a conservatorship of the estate was to enable the conservators to deal with METLIFE so that proceeds from a METLIFE long term care policy could be obtained and used to pay for Conservatee's care. That purpose has been fulfilled and regular payments are being made for Conservatee's care directly to the conservatee's care facility.		Reviewed on: 11/01/12	
	Pers.Serv.	2. Subsequent to the Petitioner's filing their Petition for Appointment of Conservator of the Estate, Conservatee's husband filed a competing petition. The Conservatee's husband and Petitioners agreed to the appointment of Petitioners subject to the obligation that Petitioner's provide Conservatee's husband with periodic accountings in addition to the accountings required under the Probate Code.		Updates:	
	Conf. Screen	Continued on Page 2		Recommendation:	
	Letters			File 6 - Marx	
	Duties/Supp				
✓	Objections				
	Video Receipt				
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	Order	x			
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				

3. On 06/27/96, Conservatee executed the RAE ANN MARX 1996 FAMILY TRUST (the "Trust"). The Trust was restated on 12/03/08. Conservatee is the sole income beneficiary of the Trust. As of 05/31/12, the Trust's assets totaled \$524,478.50.
4. Petitioners believe that given the small size and nature of the assets in the Conservatorship estate, it is in the best interest of the Conservatee to have all of her assets centralized in the Trust, which Conservatee created for her own benefit. This would centralize management of Conservatee's Estate, minimize accounting costs and any probate costs or time delays upon the death of the Conservatee. Taking this action would eliminate the need for providing Conservatee's husband with multiple accountings, thus providing additional savings for the Conservatee.
5. Petitioners seek an order under Probate Code § 2580(b)(6) allowing Conservators to transfer all assets shown on Schedule E to RONALD FAGAN, ROBB MYERS, CYNTHIA MYERS, MARK MYERS, and BRAD MYERS, as Trustees of THE RAE ANN MARX 1996 FAMILY TRUST UTD JUNE 27, 1996.
6. No further accountings should be required of Conservators if the Court authorizes transfer of the assets to the Trust as requested herein because there will be no further receipts or disbursements to or from the Conservatorship Estate. The Conservatorship Estate should remain open so Conservators can continue to interact with the insurance company making long-term care payments if necessary.
7. Good cause exists to dispense with the requirements of California Rule of Court 7.903(c) because this Trust was created many years before the Conservatorship proceedings were commenced, the Trust is managed by a group of Trustees and a majority of them must concur in any decision, the Trust waived the requirement of a bond, and modifying the Trust to comply with Rule 7.903 would cause unnecessary expense.

Petitioner prays for an Order:

1. Authorizing and directing the Conservators to transfer the assets of the Conservatorship Estate to RONALD FAGAN, ROBB MYERS, CYNTHIA MYERS, MARK S. MYERS, and BRAD MYERS, Trustees of THE RAE ANN MARX 1996 FAMILY TRUST UTD JUNE 27, 1996;
2. Authorizing the suspension of accounting by the Conservatorship;
3. That good cause exists to dispense with the requirements of California Rule of Court 7.903;
4. Requiring Trustees of THE RAE ANN MARX 1996 FAMILY TRUST UTD JUNE 27, 1996 provide accountings as agreed to the Conservatee's spouse;
5. Approving, allowing and settling the Account and Report of Conservators; and
6. Authorizing the attorney fees and costs.

Response and Objection to Petition for Substituted Judgment to Transfer Assets of the Conservatorship Estate to Irrevocable Trust filed 10/11/12 by Gilbert Marx, M.D. states:

1. Dr. Marx is the spouse of conservatee Rae Ann Marx.
2. Dr. Marx filed a competing Petition for appointment of Conservator of the Person on 06/16/11.
3. In lieu of the competing petitions being resolved at trial, Dr. Marx and the Petitioners reached an agreement whereby, the Petitioners would be appointed as Co-Conservators provided that Petitioners provided Dr. Marx with Bi-annual accountings in the conservatorship and for the RAE ANN MARX 1996 FAMILY TRUST UTD JUNE 27, 1996 (the "Trust"), of which Robb Myers is a co-trustee. This agreement was entered in a Court order on 06/29/11.
4. Petitioners have failed to timely file an accounting for the Trust and conservatorship as ordered. The first and only accountings were filed by the Petitioners in this Petition, which were filed after a year had elapsed.

Objections to Trust Accounting:

1. Trustees have a duty to make the trust property productive and not use or deal with trust property for the trustee's own profit. Probate Code § 16064 & 16067.
2. The Trust contains two pieces of real property commonly known as 46943 Oonay Nation Road, Coarsegoad, CA and 46778 Safari World Drive, Coarsegold, CA (collectively the "Properties"). Notwithstanding having two pieces of real property held in the Trust, the sole source of rental income is \$11,236.98 all of which is attributable to cell phone tower rent.
3. Therefore, for more than a year, the Trustees have allowed for the properties to remain unrented.
4. Dr. Marx alleges that one or more of the Trustees are occupying one or both of the Properties rent free. While Dr. Marx does not object, *per se*, to any or all of the Trustees residing at either or both properties, he does object to the trustees not collecting fair market rent for both of the properties.
5. Dr. Marx requests this Court order the Trustees obtain fair market value, as determined by a professional qualified to make such determination for the Properties.

Conditional Opposition to Transfer of Conservatorship Assets

1. Dr. Marx wishes to ensure that his wife's assets are properly utilized for her sole benefit for the duration of her life.
2. Dr. Marx would never have entered into the agreement with Petitioners if he knew they would attempt to circumvent such agreement before conservatee's death by transferring assets out of the conservatorship estate and into the Trust.
3. Dr. Marx will only stipulate to the transfer of the conservatorship assets to the Trust, if and only if, the trustees of the Trust, Petitioner Robb Myers, Ronald Fagan, Cynthia Myers, Mark Myers, and Brad Myers stipulate to continuing to provide Dr. Marx with bi-annual accountings on behalf of the Trust and granting Dr. Marx the right to object to the accountings. Such accountings shall be filed with the Court in the manner provided in Probate Code §§1060-1064.

Objection to Transfer of Conservatorship Assets

1. If the Trustees do not stipulate, Dr. Marx objects to the transfer of conservatorship assets to the Trust.
2. The Trust instrument provides the manner in which distributions are to be made by the Trustees in the event of the Conservatee's incapacity. In Article 4 of the Trust, it provides:
 "My Trustee may make distributions for my benefit in any one or more of the following ways: To me, but only to the extent I am able to manage such distributions.....To my... conservator who has assumed responsibility for me under any court order, decree or judgment issued by a court of competent jurisdiction."
3. The Conservatee specifically states that it is her intention for Trust assets to be routed out of the Trust estate and into the Conservatorship. Here, the Petitioners seek to do precisely the opposite. This would thwart the Conservatee's intent and is improper.
4. Therefore, if the Trustees of the Trust do not agree to file bi-annual Trust accountings, Dr. Marx objects to the transfer of the conservatorship estate assets to the Trust and requests the Court deny such request.

Examiner Note:

The Trust matter is not presently before the Court. Petitioners have not petitioned for settlement of the Trust accounting and it has not been substantively reviewed by the Examiner. Any requests of the Court with regard to the Trust (accounting or otherwise) must be brought in a separate case opened specifically for matters dealing with the Trust.

Reply to Response and Objection to Petition for Substituted Judgment to Transfer Assets of the Conservatorship Estate to Irrevocable Trust filed 10/15/12 by Petitioners, states:

1. No accounting of the Rae Ann Marx 1996 Family Trust dated 06/07/96 (the "Trust") is before the Court. The accounting presented is solely for the conservatorship of the estate of Rae Ann Marx. Further, Objector, Gilbert Marx is not a beneficiary of the Trust and lacks standing to compel an accounting or to raise any objections to the accounting.
2. With respect to paragraph 10 of the Objection, Trustees note that Rae Ann Marx agreed many years ago that the mobile home on the premises could be occupied by one or the currently service co-trustees in exchange for helping to maintain the property and Trustees have elected to honor that agreement. No one is occupying the main house on the property. The main residence is subject to an agreement between Rae Ann Marx and her husband, the Objector, that Objector has the right to occupy the residence and so the Trustees have not leased it. He is also obligated under this agreement to continue to make the mortgage payments for the property from his own separate property funds. He has moved from the property and is not making the mortgage payments. Funds of Rae Ann Marx are being used to make the mortgage payments on the property.
3. Petitioners desire to minimize expenses related to the very modest conservatorship assets is why they have sought authority to transfer those assets to the Trust.
4. Paragraph 16 of the Objection of Gilbert Marx misstates the manner in which distributions are to be made by the Trustees in the event of incapacity of Rae Ann Marx. The entire paragraph which is only quoted in part by Objector does not require payments to be made to the Conservators. Rather, it allows payments to be made to or for the benefit of Rae Ann Marx by making those payments directly to those entitled to payment. The entire paragraph reads as follows:

"My Trustee may make distributions for my benefit in any one or more of the following ways:
To me, by only to the extent I am able to manage such distributions;
To other persons and entities for my use and benefit;
To my agent or attorney-in-fact authorized to act for me under a legally valid durable power of attorney executed by me prior to my incapacity;
To my guardian or conservator who has assumed responsibility for me under any court order, decree or judgment issued by a court of competent jurisdiction."
5. The argument that the Petitioners seek to do something opposite of Rae Ann Marx' intent is simply wrong. The Trust does not compel distribution to the conservators.
6. Transfers of the conservatorship assets to the trustees of the Trust will preserve the conservatee's assets by eliminating the need for filing periodic accountings for the conservatorship estate.
7. Petitioners have requested a court order as part of their petition that Petitioners will continue to provide accountings of the trust as agreed. However, Petitioner's will not agree to grant objector standing to object to the trust accountings when he lacks standing to do so.

Atty Herold, Kim M., of Bolen Fransen (for Cherie L. Medina, Administrator)

Report of Sale and Petition for Order Confirming Sale of Real Property

DOD: 1/9/2009		CHERIE L. MEDINA, Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need mandatory-use Judicial Council form <i>Order to Deposit Money Into Blocked Account</i> (Judicial Council form MC-355) for the Court's signature. (Note: Petitioner submitted prematurely the <i>Receipt and Acknowledgment of Order for Deposit of Money Into Blocked Account</i> , which must be filed after the proceeds are received and blocked by the bank.) Note: If petition is granted, Court will set a status hearing as follows: • Friday, December 14, 2012 at 9:00 a.m. in Dept. 303 for filing the <i>Receipt and Acknowledgment of Order for Deposit of Money Into Blocked Account</i> . Reviewed by: LEG Reviewed on: 11/1/12 Updates: Recommendation: File 7 - Conway
		Sale price - \$22,050.00	
		Overbid - \$23,652.50	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
✓	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	102011	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	Order Conf.		
	Order to Deposit Money	X	
✓	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reappraisal - \$24,500.00	
		Property - 2328 Lewis Ave. Fresno, CA 93701	
		Publication - Business Journal	
		Buyers - Phillip Medina, Sr., a single man	
		Broker - N/A	
		Proceeds to be deposited into a blocked account at Bank of America; receipts will be filed.	

Atty Walters, Jennifer L. (for Paul Jaurique – Administrator – Petitioner)

(1) First and Final Account and Report of Administrator and Petition for Its Settlement and (2) Petition for Final Distribution and (3) for Allowance of Compensation to Attorneys for Ordinary Services (Probate Code 10800, 10810, 10954 & 11660)

DOD: 12-17-11		PAUL JAURIQUE , Executor with Full IAEA without bond, is Petitioner. Accounting is waived. I&A: \$478,011.63 POH: Checking account (amount not stated), real property, personal property) Administrator (Statutory): Waived Attorney (Statutory): \$12,560.23 Costs: \$1,601.00 (filing fees, publication, probate referee) Closing: \$500.00 Distribution pursuant to intestate succession is to: Paul Jaurique: 50% of the real and personal property of the estate Theresa Parnell: 50% of the real and personal property of the estate	NEEDS/PROBLEMS/COMMENTS: 1. Petitioner does not state the amount of cash on hand pursuant to Cal. Rules of Court 7.550. 2. Petitioner does not provide the disposition of the vehicle originally inventoried at a value of \$24,000.00 pursuant to Cal. Rules of Court 7.550. 3. Need consent to distribution of personal property in undivided interests from Theresa Parnell pursuant to Local Rule 7.12.3. (Consent filed 10-23-12 indicates consent to distribution of real property in undivided interests, but not personal property.) 4. Need order pursuant to Local Rule 7.6.1.	
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
✓	PTC			
✓	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			4-19-12
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
✓	FTB Notice			
Reviewed by: skc Reviewed on: 11-1-12 Updates: Recommendation: File 8 - Jaurique				

Petition for Payment of Attorney's Fees [Prob. C. 1470 et seq.]

		<p>JENNIFER L. WALTERS, Petitioner, was court appointed to represent the Conservatee on 5-3-12.</p> <p>The Fresno County Public Guardian was appointed Probate Conservator of the Person and Estate on 6-6-12.</p> <p>Petitioner requests fees in connection with the representation of the Conservatee for the petition to appoint a conservator.</p> <p>Petitioner asks that she be paid \$1,567.00 for 6.7 hours including review of documents, court appearances, meetings with client and family, and preparation of this petition.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from 100412			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail <small>W</small>		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			<p>Reviewed by: skc</p> <p>Reviewed on: 11-1-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 - Steinhauer</p>

DOD: 07/17/12		LEONARD LOPEZ and RACHEL BEN, son and daughter, are Petitioners and request appointment as Co- Administrators (issue of bond not addressed). Full IAEA – NEED Decedent died intestate. Residence: Del Rey Publication: NEED <u>Estimated Value of the Estate:</u> Personal property- \$ 25,000.00 Real property - 100,000.00 Total - \$125,000.00 Probate Referee: RICK SMITH	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> There is no vacancy at Administrator. Kathryn Lopez, daughter, was appointed Administrator with limited IAEA and bond in the amount of \$150,000.00 on 10/03/12 and Letters were issued on 10/26/12. Minute Order from 10/03/12 hearing states: Ms. Walters advises the Court that she will be filing objections. Mr. Mecheill advises the Court that Kathryn Lopez is willing to serve as administrator without fees, statutory or otherwise. The Court grants the petition and appoints Kathryn Lopez as Administrator with limited powers and a bond in the amount of \$150,000.00. Sale of property to be subject to confirmation by the Court. The Court orders Kathryn Lopez to secure all the personal property and provide an accounting of all of it. The Court sets the matter for status hearing re: filing of the bond on 11/02/12, status hearing re: the filing of the Inventory & Appraisal on 03/08/13, and status hearing re: the filing of the First Account and/or Petition for Final Distribution on 12/06/13. As of 11/01/12, no objections have been filed. If this Petition goes forward, the Court may require a Petition for Removal of Personal Representative Pursuant to Probate Code § 8500 et. seq and the following additional defects are noted: <ol style="list-style-type: none"> 1. The Petition is not marked at items 2(d) or 3(d) regarding bond. 2. Need affidavit of Publication. 3. Need Duties & Liabilities of Personal Representative and Confidential Supplements to Duties & Liabilities for each Petitioner. 4. Need Order & Letters.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input type="checkbox"/>	Aff.Pub. x		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters x		
<input type="checkbox"/>	Duties/Supp x		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order x		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: JF Reviewed on: 11/01/12 Updates: Recommendation: File 10 - Lopez	

DOD: 08/09/12	TERRI A. GUILLES , spouse, is Petitioner and requests appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Full IAEA – OK	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	All heirs waive bond.	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	Decedent died intestate.	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Residence: Kingsburg	
<input checked="" type="checkbox"/> Aff.Mail	Publication: Selma Enterprise & Kingsburg Recorder	
<input checked="" type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	<u>Estimated Value of the Estate:</u>	
<input type="checkbox"/> Conf. Screen	Unknown	
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp	Probate Referee: STEVEN DIEBERT	
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCC/JEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Note: Status hearings will set as follows: <ul style="list-style-type: none"> Friday, April 12, 2013 at 9:00am in Dept. 303 for filing of the Inventory & Appraisal; and Friday, January 10, 2014 at 9:00am in Dept. 303 for filing of the Accounting/Petition for Final Distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
		Reviewed by: JF
		Reviewed on: 11/01/12
		Updates:
		Recommendation: SUBMITTED
		File 11 - Gilles

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 13		TEMPORARY EXPIRES 11/06/12		NEEDS/PROBLEMS/COMMENTS:	
		TERRI NELSON , maternal grandmother, is Petitioner.		1. Need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: - Trisha Nelson Chandler (mother) *A proof of service was filed 09/17/12 indicating that the mother was personally served regarding the Temporary Hearing. It is unclear whether she was also served for the General Hearing at the same time.	
		Father: JOHN SCOTT CHANDLER – currently incarcerated; Consent & Waiver of Notice filed 09/24/12			
Cont. from		Mother: TRISHA NELSON CHANDLER			
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail	w/			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	x			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
		Paternal grandfather: THOMAS W. CHANDLER – Served by mail on 09/07/12 Paternal grandmother: SANDY CHANDLER – served by mail on 09/07/12 Maternal grandfather: LARRY NELSON - deceased Petitioner alleges that the minor's father is currently incarcerated and his mother is a drug user, has violent mood swings, and is abusive to both herself and the minor. The minor's mother threatens to remove the minor from petitioners home, where he has lived the majority of his life. The minor is suffering from his mother's emotional abuse and is having trouble in school. Petitioner states that the minor has expressed to her that he does not want to live with his mother and is afraid of her. Petitioner states that she believes the minor needs counseling to help cope with all of the abuse his mother has put him through. Court Investigator Charlotte Bien filed a report on 10/16/12.		Reviewed by: JF Reviewed on: 11/01/12 Updates: Recommendation: File 12 - Chandler	

Age: 4		<u>TEMPORARY EXPIRES 11/06/12</u>		NEEDS/PROBLEMS/COMMENTS:	
		<p>MARIA E. HERNANDEZ, Maternal Aunt, is Petitioner.</p> <p>Father: PEDRO RIVERA – Consent & Waiver of Notice filed 08/14/12</p> <p>Mother: ILA HERNANDEZ – Consent & Waiver of Notice filed 10/02/12</p> <p>Paternal Grandfather: PEDRO RIVERA Paternal Grandmother: VIRGINIA RIVERA</p> <p>Maternal Grandfather: DOMINGO HERNANDEZ Maternal Grandmother: ROSE ANGELA MEJIA</p> <p>Petitioner alleges the child has been in her care for 3 ½ years. The mother is out on the streets and has been hanging around drug houses. The father is a known drug user and has been ordered to stay away from the minor by CPS. The mother has made threats that she will come for her son. She has already picked up another child from her grandmother's care. She has no residence and if she takes him he will end up in one of the drug homes. None of the other relatives are in a position to care for the minor.</p> <p>Court Investigator Samantha Henson filed a report on 10/02/12.</p>		<p><u>CONTINUED FROM 10/09/12</u> Minute Order dated 10/09/12 states: The Court dispenses with further notice to the maternal grandparents. Examiner notes are provided to the Petitioner. The Petitioner is directed to cure the defects and provide notice to the paternal grandparents. Matter continued to 11/06/12. The temporary is extended to 11/06/12.</p> <p>As of 11/01/12, nothing further has been filed and the following remains outstanding:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person or Consent & Waiver of Notice or Declaration of Due Diligence for: <ul style="list-style-type: none"> - Pedro Rivera (paternal grandfather) - Virginia Rivera (paternal grandmother) 3. Need UCCJEA (Form GC-120) with the minor's residence history and other information pursuant to Probate Code § 1510. 	
Cont. from 100912					
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
	Notice of Hrg	x			
	Aff.Mail	x			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	n/a			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA	x			
	Citation				
	FTB Notice				
				Reviewed by: JF	
				Reviewed on: 11/01/12	
				Updates:	
				Recommendation:	
				File 13 – Rivera	

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 3		TEMPORARY EXPIRES 11-6-12	NEEDS/PROBLEMS/COMMENTS:
		LUCY GALLARDO, Paternal Great-Aunt, is Petitioner.	<p>Note: Page 14B is a competing petition for guardianship by the paternal grandmother Irene Gallardo.</p>
		Father: RICHARD GALLARDO - Personally served 9-16-12 - Appeared at hearing 9-20-12, Objection stated on record	<p>1. According to the Court Investigator's report, Petitioner was granted a fee waiver based on receipt of public assistance; however, it appears that it is the <u>child</u> that receives public assistance rather than Petitioner and that Petitioner's household income does not appear to qualify for fee waiver. The Court may require clarification or amended request or filing fees in the amount of \$285.00.</p>
<input type="checkbox"/>	Aff.Sub.Wit.	Mother: STACY ARGUMEDO - Declaration of Due Diligence filed 9-19-12 - Diligence found and notice dispensed per minute order 9-20-12	<p>2. Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:</p> <p>- Maternal Grandfather (Andy Argumedo)</p> <p>- Maternal Grandmother (name not provided)</p> <p><i>Examiner notes that Petitioner's Declaration of Due Diligence filed 9-19-12 indicates that she made contact with Maternal Grandfather Andy Argumedo when she was looking for the mother.</i></p>
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Paternal Grandfather: Rene Gallardo - Deceased Paternal Grandmother: Irene Gallardo - Competing petition filed – See Page 14B	<p>Reviewed by: skc</p>
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Maternal Grandfather: Andy Argumedo (per Declaration of Due Diligence filed 9-19-12) Maternal Grandmother: Unknown	<p>Reviewed on: 11-1-12</p>
<input checked="" type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail	Siblings: Tristan Gallardo, Theresa Argumedo, Beverly Argumedo	<p>Updates:</p>
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Petitioner states the parents are drug addicts and the mother is homeless. The father went to reside with his mother who has medical problems including seizures and takes numerous medications. The father has a custody order for Azyln, but two months after he obtained custody, he brought her to Petitioner. Petitioner has had Azyln since April 2010 when she was one year old. Azyln knows Petitioner as her mom. Petitioner states she has been her anchor. It would be detrimental to remove her from Petitioner's care.	<p>Recommendation:</p>
<input checked="" type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen	Court Investigator Julie Negrete filed a report on 10-24-12.	<p>File 14A - Gallardo</p>
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	Clearances		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Age: 3		TEMPORARY DENIED 10-1-12		NEEDS/PROBLEMS/COMMENTS:	
		IRENE GALLARDO , Paternal Grandmother, is Petitioner.		Note: Page 14A is the Paternal Great-Aunt Lucy Gallardo's petition for Guardianship. Lucy Gallardo was appointed Temporary Guardian on 9-20-12.	
		LUCY GALLARDO , Paternal Great-Aunt, was appointed Temporary Guardian on 9-20-12. See Petition at Page 14A.			
		Father: RICHARD GALLARDO - Nomination, Consent and Waiver of Notice filed 9-17-12			
		Mother: STACY ARGUMEDO - Declaration of Due Diligence filed 9-19-12 by Lucy Gallardo in connection with Petition for Guardianship at Page 14A			
		- Diligence found and notice dispensed per minute order 9-20-12 in connection with Petition for Guardianship at Page 14A			
		Paternal Grandfather: Rene Gallardo - Deceased			
		Maternal Grandfather: Andy Argumedo (per Declaration of Due Diligence filed 9-19-12 in connection with Petition for Guardianship at Page 14A)			
		Maternal Grandmother: Unknown			
		Siblings: Tristan Gallardo, Theresa Argumedo, Beverly Argumedo			
		Petitioner states Azyln is currently under the care of her great-aunt Lucy Gallardo, who was allowed to temporarily care for her, and now has threatened to take her away and will not release her back to the father and has denied the father and Petitioner all rights to Azyln. Petitioner requests to be excused from giving notice to the mother because she has given up all rights to her child and is not to be in contact with her, and Petitioner will not be able to locate her. Petitioner states appointing her would be best for Azyln because she is her grandmother and she loves and cares for her very much and only wants the best for her. She lived with Petitioner in her home for the first year and calls it home. Petitioner and Azyln have a close bond, but due to the parents' problems and the mother taking her out of Petitioner's home to live out on the streets it has been difficult to get her back. If Azyln was asked whom she would like to live with, Petitioner is positive she would say her "Grams" which is Petitioner.			
		Court Investigator Julie Negrete filed a report on 10-24-12.		1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Maternal Grandfather (Andy Argumedo) - Maternal Grandmother (name not provided)	
Aff.Sub.Wit.					
✓ Verified					
Inventory					
PTC					
Not.Cred.					
Notice of Hrg		X			
Aff.Mail		X			
Aff.Pub.					
Sp.Ntc.					
Pers.Serv.					
✓ Conf. Screen					
✓ Letters					
✓ Duties/Supp					
Objections					
Video Receipt					
CI Report					
9202					
✓ Order					
Aff. Posting					
Status Rpt					
✓ UCCJEA					
Citation					
FTB Notice					

Age: 11 months		<u>TEMPORARY EXPIRES 11/6/12</u>		NEEDS/PROBLEMS/COMMENTS:
		MADELINE LOPEZ , maternal grandmother, is petitioner.		
		Father: UNKNOWN – court dispensed with notice per minute order dated 9/20/12.		
Cont. from		Mother: CRYSTAL MEDELLIN – personally served on 9/7/12.		
	Aff.Sub.Wit.	Paternal grandparent: Unknown Maternal grandfather: Ruben Medellin – served 9/7/12.		
✓	Verified	Petitioner alleges: The mother has been living in unsafe conditions and is known to be a drug user. Mom refuses to go to rehab and has no income of any kind to support the minor.		
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	W/		
✓	Conf. Screen			
✓	Letters	Court Investigator Jennifer Daniel's Report filed on 10/18/12.		
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: KT
				Reviewed on: 11/2/12
				Updates:
				Recommendation:
				File 15 - Medellin

16 Gloria Campos (CONS/E)
 Atty Smith, Jane T. (for Petitioner/Public Guardian)
 Atty LeVan, Nancy (Court appointed for Conservatee)

Case No. 12CEPR00967

Petition for Appointment of Temporary Conservatorship of the Estate

Age: 56 years		GENERAL HEARING 12/5/12		NEEDS/PROBLEMS/COMMENTS:	
		PUBLIC GUARDIAN is petitioner and requests appointment as Conservator of the Estate.		Court Investigator Advised Rights on 10/30/12.	
Cont. from		Estimated value of the Estate:		1. Need proof of personal service of the Notice of Hearing along with a copy of the temporary petition on the proposed conservatee Gloria Campos.	
	Aff.Sub.Wit.	Personal property - \$12,035.35			
✓	Verified	Annual income - \$13,440.00			
	Inventory	Total - \$25,475.35			
	PTC	Petition alleges: Ms. Campos is on an LPS Conservatorship of her person. While on LPS Conservatorship Ms. Campos is not able to manage her financial affairs. Ms. Campos has a bank account solely in her name and her Social Security benefits are automatically deposited into that account.			
	Not.Cred.	Ms. Campos also has assorted personal property at her former residence that need to be marshaled to protect them from loss or harm and to preserve them for her benefit. This authority is necessary because her son refuses to surrender the items and has already pawned on television set and has threatened to sell her parrots.			
✓	Notice of Hrg	Court Investigator Dina Calvillo's Report filed on 10/31/12.			
✓	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	X			
	Conf. Screen				
✓	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: KT	
				Reviewed on: 11/2/12	
				Updates:	
				Recommendation:	
				File 16 - Campos	

17 Kai Luy Meas (GUARD/P)
 Atty Meas, Soluyboth (Pro Per – Non-Relative – Petitioner)
 Atty Meas, Olivia Yvette (Pro Per – Non-Relative – Petitioner)

Case No. 12CEPR00968

Petition for Appointment of Temporary Guardianship of the Person

Age: 1 year	TEMPORARY GRANTED EX PARTE EXPIRES 11-6-12	NEEDS/PROBLEMS/COMMENTS:
DOB: 10-1-11		
	GENERAL HEARING 1-8-13	<p>Note: Petitioners state they intend to adopt the child. If/when adoption proceedings are commenced in the future, this probate guardianship case will be consolidated with the adoption case pursuant to Probate Code §1510(h).</p> <p>1. Petitioners and the child have resided in Madera since June. The Court may require clarification regarding Fresno as the venue for this Probate Guardianship.</p> <p><i>Probate Code §2201 states the proper county for commencement of a guardianship proceeding is either the county in which the proposed ward resides or such other county as may be in the best interests of the proposed ward.</i></p> <p><i>Examiner notes that the mother resides in Fresno.</i></p> <p>2. Need clarification: Petitioners filed a Proof of Personal Service showing service on the mother; however, the Notice of Hearing document has not been filed, so it is not clear if the copy included this hearing date.</p> <p>3. Need proof of personal service of Notice of Hearing with a copy of the Petition at least five Court days prior to the hearing pursuant to Probate Code §2250(e) or consent and waiver of notice or declaration of due diligence on the unknown father.</p>
	SOLUYBOTH and OLYVIA YVETTE MEAS, Non-Relatives, are Petitioners.	
Aff.Sub.Wit.	Father: UNKNOWN	
✓ Verified	Mother: CHRISTIAN BITTOLA	
Inventory	- Personally served 10-29-12	
PTC	Paternal Grandfather: Unknown	
Not.Cred.	Paternal Grandmother: Unknown	
Notice of Hrg	Maternal Grandfather: Unknown	
Aff.Mail	Maternal Grandmother: Unknown	
Aff.Pub.	Siblings: Giovanni Molinar, Roman Vann,	
Sp.Ntc.	Mackayla Vann, Bella Vann	
✓ Pers.Serv.	Petitioners state the mother asked them to be parents of the child. Petitioners were there for his birth and brought him home the day after he was born. The mother is unable to provide for the child and is currently being evicted from her home due to domestic violence. CPS has been involved. The child is behind on his shots and the mother has consistently failed to schedule routine checkups with the physician even after numerous reminders from Petitioners.	
✓ Conf. Screen	Petitioners need guardianship to put him on their insurance. The child has bonded with their family and their other children and Petitioners state they can support the child emotionally and financially, and love the child unconditionally.	
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
✓ UCCJEA		
Citation		
FTB Notice		